

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
PERI FORMWORK SYSTEMS, INC.,

Plaintiff,

10-CV-4773 (SJ) (JO)

-against-

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

VESTA 50, LLC, et al.,

Defendants.

-----X  
A P P E A R A N C E S

MILES & STOCKBRIDGE P.C.  
10 Light Street  
11<sup>th</sup> Floor  
Baltimore, MD 21202  
By: Jessica A. DuHoffmann  
*Attorney for Plaintiff*

WELBY, BRADY & GREENBLATT, LLP  
11 Martine Avenue  
Penthouse  
White Plains, NY 10606  
By: Thomas S. Tripodianos  
*Attorney for Plaintiff*

WASSERMAN GRUBIN & ROGERS LLP  
1700 Broadway  
New York, NY 10019  
By: Suzan Arden  
*Attorney for Defendant Vesta 50, LLC*

JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation (“Report”) prepared by Magistrate Judge James Orenstein. Judge Orenstein issued the Report on March 11, 2013, and provided the parties with the requisite amount of time to file any objections. Neither party filed any objections to the Report. For the reasons stated herein, this Court affirms and adopts the Report in its entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion.

See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate’s report. See Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See Id.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court’s Order. See 28 U.S.C. § 636(b)(1); Small v. Sec’y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, objections to Magistrate Judge Orenstein’s recommendations were due on March 28, 2013. No objections to the Report were filed with this

Court. Upon review of the recommendations, this Court adopts and affirms Magistrate Judge Orenstein's Report in its entirety.

SO ORDERED.

Dated: March 29, 2013  
Brooklyn, NY

\_\_\_\_\_  
S/  
Sterling Johnson, Jr., U.S.D.J.